

1 LISA J. DEMSKY (State Bar No. 186006)
Lisa.Demsky@mto.com
2 JESSICA O. LAIRD (State Bar No. 331713)
Jessica.Laird@mto.com
3 MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
4 Los Angeles, California 90071-3426
Telephone: (213) 683-9100
5 Facsimile: (213) 687-3702

6 *Attorneys for Non-Party Riot Games, Inc.*
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8 UNITED STATES DISTRICT COURT

9
10 NORTHERN DISTRICT OF CALIFORNIA

11 IN RE GOOGLE PLAY STORE
12 ANTITRUST LITIGATION

13 THIS DOCUMENT RELATES TO:
14

15 *In re Google Play Store Antitrust*
16 *Litigation*, No. 3:21-md-02981-JD

17 *Epic Games, Inc. v. Google LLC et al.*,
18 No. 3:20-cv-05671-JD
19

Case No. 21-md-02981-JD

**[PROPOSED] ORDER RE NON-PARTY
RIOT GAMES' ADMINISTRATIVE
MOTION TO SEAL HIGHLY
CONFIDENTIAL INFORMATION**

Judge: Hon. James Donato

On November 27, 2023, Non-Party Riot Games, Inc. (“Riot”) filed Administrative Motion to Seal Highly Confidential Information (the “Motion”). Through the Motion, Riot moves to seal certain portions of the deposition of Riot employee Mark Sottosanti taken on October 27, 2023, (the “Sottosanti Deposition”), and certain exhibits that were marked during the Sottosanti Deposition (the “Sottosanti Exhibits”). The motion is supported by the Declaration of Dan Nabel, which identifies the specific portions of the Sottosanti Deposition and Sottosanti Exhibits that are sealable and the reasons for sealing them.

Having considered Riot’s Motion and supporting declaration,

IT IS HEREBY ORDERED:

Compelling reasons exist to seal the information requested by Riot for the reasons set forth in the Declaration of Dan Nabel. The following portions of the Sottosanti Deposition may be filed under seal and may only be played in a sealed courtroom or in a manner that does not disclose them to the public:

| Page & Line Numbers | Reasons for Seeking Sealing | Ruling |
|--|---|--------|
| 34:2 – 35:16; 35:18; 35:20 – 37:7 38:2 – 39:10; 39:12-13; 39:18 – 40:12, 40:14 – 17; 145:1 – 2; 145:4 – 15; 146:11 – 12; 146:17 – 25; 147:2 – 4; 148:7 – 10; 148:17 – 149:8; 149:11; 149:19 – 25; 150:2; 150:4 – 13; 150:16 – 17; 150:19 – 20; 150:22 – 24; 151:2 – 6; 151:22 – 152:11; 152:22 – 153:7; 153:9; 153:11 – 12; 153:14; 153:16 – 22; 153:23 – | Exhibit 1221 is an internal Riot presentation following a meeting with Google describing negotiation strategy and considerations. This testimony describes that presentation document and explains that the document contains internal “thoughts and recommendations” (34:10 – 11) regarding content delivery and market strategy. Public disclosure of that information would disadvantage | |

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| 1 | 24; 154:1 – 3; 154:5 – 13; | Riot in its ongoing and future | |
| 2 | 154:15 – 21; 165:17 – 22; | negotiations with other parties. | |
| 3 | 166:11 – 12; 166:21 – 22; | | |
| 4 | 166:24; 167:2 – 7; 167:9; | | |
| 5 | 167:11 – 16; 167:22 – 24; | | |
| 6 | 168:1 – 8; 168:10 – 14; | | |
| 7 | 168:21 – 25; 169:6 – 8; | | |
| 8 | 169:11 – 15; 170:24 – 171:18; | | |
| 9 | 171:20 – 172:2 172:11 – 16; | | |
| 10 | 172:18; 172:20 – 21; 172:23; | | |
| 11 | 172:25 – 173:8; 174:5 – 10; | | |
| 12 | 174:14 – 19; 174:21; 175:8 – | | |
| 13 | 11; 175:16 – 20; 175:22; | | |
| 14 | 178:1 – 2; 179:21 – 180:10; | | |
| 15 | 180:12; 180:14 – 15; 180:17 – | | |
| 16 | 18; 180:20 – 23; 191:9 – 11; | | |
| 17 | 191:13 | | |
| 18 | 58:11 – 60:16; 61:5 – 62:15; | Exhibit 1226 is an internal Riot | |
| 19 | 62:22 – 25; 63:2 – 5; 63:14 – | document following a meeting | |
| 20 | 18; 63:20; 63:22 – 23; 63:25; | with Google describing | |
| 21 | 64:2 – 8; 64:10 – 23; 65:1 – 7; | negotiation strategy and | |
| 22 | 181:25 – 182:6; 182:14 – 23; | considerations. This testimony | |
| 23 | 182:25 – 183:1; 183:6 – 10; | describes that document and | |
| 24 | 183:12; 183:14 – 184:1 | explains that the document | |
| 25 | | contains “subtext” from the | |
| 26 | | meeting rather than the express | |
| 27 | | discussion (59:17 – 21). It reveals | |
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| 1 | | negotiation strategy not disclosed | |
| 2 | | to persons outside the Riot | |
| 3 | | negotiating team. Public | |
| 4 | | disclosure of that information | |
| 5 | | would disadvantage Riot in its | |
| 6 | | ongoing and future negotiations | |
| 7 | | with other parties. | |
| 8 | 69:5 – 14; 69:16; 72:21 – | Exhibit 1227 is an internal Riot | |
| 9 | 73:23; 73:25 – 74:11 | presentation summarizing | |
| 10 | | negotiation strategy and | |
| 11 | | considerations for a particular | |
| 12 | | agreement addendum. This | |
| 13 | | testimony describes that document | |
| 14 | | and explains that it refers to | |
| 15 | | negotiation considerations and | |
| 16 | | Riot's expectations regarding | |
| 17 | | terms of an agreement with | |
| 18 | | Google. Public disclosure of that | |
| 19 | | information would disadvantage | |
| 20 | | Riot in its ongoing and future | |
| 21 | | negotiations with other parties. | |
| 22 | 104:25 – 105:2; 104:13 – 15; | This testimony reflects or refers to | |
| 23 | 104:17 – 23; 131:9 – 13; | the terms of Riot's carefully | |
| 24 | 137:5 – 8; 137:10; 137:12 – | negotiated agreement with Google | |
| 25 | 18; 137:20 – 22; 142:3 – 6; | regarding content delivery and | |
| 26 | 142:8 – 9; 142:11 – 14; | Riot's internal negotiation strategy | |
| 27 | 142:16 – 18; 142:20 – 23; | and considerations. Public | |
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| 1 | 142:25 – 143:3; 143:5 – 16; | disclosure of that information | |
| 2 | 144:22 – 24 | would disadvantage Riot in its | |
| 3 | | ongoing and future negotiations | |
| 4 | | with other parties. | |
| 5 | 155:13 – 156:22; 157:25 – | Exhibit 1222 is an internal Riot | |
| 6 | 158:6; 158:8 – 11; 158:22 – | document summarizing | |
| 7 | 24; 163:7 – 8; 163:10 – 15; | confidential technical and | |
| 8 | 163: 20 – 22; 163:24 – 25; | engineering capabilities and | |
| 9 | 164: 2 – 4; 164:8 – 165:10; | content delivery considerations. | |
| 10 | 165:12; 165:14 – 16 | This testimony describes that | |
| 11 | | document and explains that the | |
| 12 | | document contains “educational” | |
| 13 | | information from internal | |
| 14 | | “technical people to business | |
| 15 | | people” at Riot (158:9 – 10) | |
| 16 | | regarding content delivery | |
| 17 | | considerations and strategy. | |
| 18 | | Public disclosure of that | |
| 19 | | information would disadvantage | |
| 20 | | Riot in its ongoing and future | |
| 21 | | negotiations with other parties and | |
| 22 | | harm Riot by revealing | |
| 23 | | information about its technical | |
| 24 | | capabilities and strategies. | |
| 25 | 80:23 – 81:1; 81:6 – 82:14; | Exhibit 1229 is an internal Riot | |
| 26 | 82:16 – 83:36; 83:8; 83:10 – | email communication | |
| 27 | 15 | summarizing an agreement with | |
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| | Google regarding content delivery and Riot's internal negotiation strategy and considerations. Public disclosure of that information would disadvantage Riot in its ongoing and future negotiations with other parties. | |
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The following portions of the Sottosanti Exhibits may be filed under seal and may only be shown in a sealed courtroom or in a manner that does not disclose them to the public:

| Deposition Exhibit Number (Bates Number) | Document Description | Portion Sought to Be Sealed | Ruling |
|--|--|-----------------------------|--------|
| Exhibit 1221 (GOOG-RIOT-0000333) | An internal Riot presentation following a meeting with Google describing negotiation strategy and considerations | Entire Document | |
| Exhibit 1222 (GOOG-RIOT-0000347) | An internal Riot document summarizing technical capabilities and content delivery considerations | Entire Document | |
| Exhibit 1226 (GOOG-RIOT-0000105) | An internal Riot document following a | Entire Document | |

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|--------------------------------------|--|-----------------|--|
| | meeting with Google describing negotiation strategy and considerations | | |
| Exhibit 1227 (GOOG- RIOT-0000034) | An internal Riot presentation summarizing agreement addendum negotiation strategy and considerations | Entire Document | |
| Exhibit 1229 (GOOG- RIOT-0000046) | An internal Riot email communication summarizing agreement addendum negotiation strategy and considerations | Entire Document | |

The portions of the Sottosanti Deposition and Sottosanti Exhibits that are sealable, as indicated in the charts above, shall be redacted from any transcript of the Sottosanti Deposition and from any versions of the Sottosanti Exhibits that are made available in the public record during or after trial.

IT IS SO ORDERED.

DATED: _____, 2023

Honorable James Donato
United States District Judge
Northern District of California